

Message Text

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ACTION ARA-14

INFO OCT-01 IO-14 ISO-00 CIAE-00 DODE-00 PM-05 H-02
INR-10 L-03 NSAE-00 PA-02 SP-02 SS-15 NSCE-00
SSO-00 ICAE-00 INRE-00 AID-05 HA-05 CA-01 JUSE-00
/079 W

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O R 021935Z AUG 78
FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC IMMEDIATE 56
INFO AMEMBASSY ASUNCION
AMEMBASSY BRASILIA
AMEMBASSY BUENOS AIRES
AMEMBASSY LA PAZ
AMEMBASSY LIMA
AMEMBASSY QUITO
USCINCSO
USMISSION USUN NEW YORK

UNCLAS SANTIAGO 5791

E.O. 11652: N/A
TAGS: PGOV, SHUM, CI
SUBJECT: LETELIER/MOFFITT: GOC STATEMENT IN RESPONSE TO
INDICTMENTS AND PROVISIONAL DETENTION REQUEST

REFS: (A) SANTIAGO 5769 (B) SANTIAGO 5770

1. THE MINISTRY OF INTERIOR LATE AUGUST 1 ISSUED A TEN
POINT STATEMENT RESPONDING TO THE LETELIER/MOFFITT INDICT-
MENTS AND THE REQUEST FOR PREVENTIVE DETENTION OF THE
THREE CHILEAN OFFICIALS.

2. INFORMAL TRANSLATION OF STATEMENT FOLLOWS: QUOTE:
(1) INDICTMENTS IN THE CASE OF THE ASSASSINATION OF
SR. LETELIER, INVOLVING CHILEAN CITIZENS, WERE MADE KNOWN
IN THE UNITED STATES TODAY.
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(2) ALSO TODAY, IN CONFORMITY WITH THE TREATY OF
1902 SUBSCRIBED TO BY THE GOVERNMENTS OF CHILE AND
THE UNITED STATES, THE UNITED STATES GOVERNMENT MADE
KNOWN THROUGH ITS EMBASSY IN THE COUNTRY THAT IT WILL
REQUEST THE EXTRADITION OF RETIRED BRIGADIER GENERAL
MANUEL CONTRERAS SEPULVEDA, COLONEL PEDRO ESPINOZA BRAVO

AND CAPTAIN ARMANDO FERNUNDEZ LARIOS AND, INVOKING THE SAME TREATY, REQUESTED THEIR PREVENTIVE ARREST.

(3) THE GOVERNMENT OF CHILE, IN COMPLIANCE WITH THE PROVISIONS OF SAID TREATY, HAS ORDERED, ON THIS SAME DAY, THE ACTION REQUESTED, RESULTING IN THE MILITARY PREVENTIVE ARREST -- BECAUSE THEY ARE OFFICERS -- OF THE PERSONS NAMED, FOR A MAXIMUM PERIOD OF TWO MONTHS, AFTER WHICH, IF NO REQUEST FOR EXTRADITION IS DULY PRESENTED, SUCH MEASURES WILL TERMINATE IMMEDIATELY.

(4) ALL OF CHILE IS WITNESS (TO THE FACT THAT) THE PRESIDENT OF THE REPUBLIC, FROM THE FIRST MOMENT HE HAD KNOWLEDGE OF THIS REPREHENSIBLE CRIME, PUBLICLY CONDEMNED THE DEED, ASKING THAT U.S. AUTHORITIES UNDERTAKE THE MOST EXHAUSTIVE INVESTIGATION, THAT WOULD LEAD TO SOLVING THE CASE.

(5) AT THE SAME TIME, AS AN ADDITIONAL DISPLAY OF THE GOVERNMENT'S GOOD FAITH, IN AS MUCH AS NO RESPONSIBILITY FOR THE DEEDS RESTS WITH IT, THE PRESIDENT OF THE REPUBLIC GAVE INSTRUCTIONS TO THE COMPETENT AUTHORITIES TO PROVIDE ALL POSSIBLE COOPERATION TOWARD THE SAME END.

(6) THE COUNTRY KNOWS FOR A FACT, THROUGH THE NON-RESTRICTED AVAILABILITY OF INFORMATION AT ALL TIMES
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ON THE MATTER, HOW AMPLE THIS COOPERATION HAS BEEN AND IT HAS BEEN EVIDENT IN MANY WAYS AND ON MANY OCCASIONS, AS THE CHIEF OF STATE REPEATED IN HIS SPEECH ON APRIL 5. THE COOPERATION OF THE CHILEAN GOVERNMENT HAS BEEN THE DETERMINING FACTOR IN THE PROGRESS OF THE (LETELIER/MOFFITT) INVESTIGATION, AS HAS BEEN RECOGNIZED BY THE U.S. DEPARTMENT OF STATE ITSELF.

(7) PUBLIC OPINION SHOULD UNDERSTAND CLEARLY THAT THE HANDING DOWN OF INDICTMENTS DOES NOT CONSTITUTE PROOF OF CULPABILITY AGAINST THOSE PERSONS CITED. THE CHARGES HAVE TO BE LEGALLY PROVED AND THIS, WITHIN A STATE OF LAW, IN CONFORMITY WITH THE MOST ELEMENTARY JURIDICAL NORM, WHICH IS THE RIGHT OF THE ACCUSED TO DEFEND HIMSELF, IN ACCORDANCE WITH TRIAL PROCEDURES WHICH PERMIT HIM TO PRESENT HIS ARGUMENTS. IN THE ABSENCE OF SUCH, THE JUDGE WOULD LACK THE BASIS FOR JUDGMENT TO MAKE A FAIR DECISION (JUSTICIA).

(8) IF THE ACTS CHARGED ARE NOT PROVED CONVINCINGLY, RESPONSIBILITY CANNOT BE FIXED TO ANYONE, BECAUSE TO DO

SO WOULD MEAN LEAVING THE PERSON DEFENSELESS (DEJAR EN LA INDEFENSION) AND WOULD TRAMPLE BOTH HIS HONOR AND HIS FUNDAMENTAL RIGHTS.

(9) IN ADDITION, THE CHARGES PRESENTED BY APPROPRIATE US AUTHORITIES IN ORDER TO REQUEST EXTRADITION MUST BE DULY VERIFIED (COMPROBADOS) BEFORE THE CHILEAN COURTS, WHOSE INDEPENDENCE AND RECTITUDE ARE UNQUESTIONABLE.

(10) FINALLY, THIS IS A STRINCTLY JUDICIAL MATTER WHICH HAS TO BE DECIDED EXACTLY AND EXCLUSIVELY WITHIN THAT SPHERE. THIS NOTWITHSTANDING, WE ARE CERTAIN THAT THE SIMPLE FACT OF THE INDICTMENTS AGAINST CERTAIN PERSONS WILL SERVE TO REACTIVATE ABROAD THE PERMANENT ANTI-UNCLASSIFIED

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CHILEAN CAMPAIGN, MAKING USE OF THEM TO AUGMENT ITS ACTIONS DAMAGING TO CHILE AND TO ALL CHILEANS. FOR THIS REASON, THE NATIONAL PRESS IS REQUESTED -- WITHOUT SHYING FROM ITS DUTY TO OPPORTUNELY AND TRUTHFULLY INFORM PUBLIC OPINON IN THE COUNTRY -- TO OBSERVE AN ATTITUDE OF MODERATION AND PRUDENCE, IN ACCORD WITH OUR TRADITIONAL SOBRIETY. END QUOTE.

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: DETENTION
Control Number: n/a
Copy: SINGLE
Draft Date: 02 aug 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 jan 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978SANTIA05791
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780316-0799
Format: TEL
From: SANTIAGO
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t197808107/aaaadlll.tel
Line Count: 144
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: f9ff8a58-c288-dd11-92da-001cc4696bcc
Office: ACTION ARA
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 78 SANTIAGO 5769, 78 SANTIAGO 5770
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 29 mar 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: N/A
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1559976
Secure: OPEN
Status: NATIVE
Subject: LETELIER/MOFFITT: GOC STATEMENT IN RESPONSE TO INDICTMENTS AND PROVISIONAL DETENTION REQUEST
TAGS: PGOV, SHUM, CI
To: STATE
Type: TE
vdkgvwkey: odhc://SAS/SAS.dbo.SAS_Docs/f9ff8a58-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014